APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,468	08/20/2003	Eric S. Barnes	D/A3175	5956

37211   7590   07/27/2007
BASCH & NICKERSON LLP
1777 PENFIELD ROAD
PENFIELD, NY 14526

EXAMINER
KASSA, HILINA S

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
07/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
Office Action Summary	10/644,468	BARNES ET AL.	
	Examiner	Art Unit	
	Hilina S. Kassa	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 August 2003_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-29_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-29_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _20 August 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _08/20/03_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Specification

1.   The abstract of the disclosure is objected to because in line 9, the abbreviated

word **RULs** is not pre-defined. Correction is required. See MPEP § 608.01(b).

Claim Objections

1.   Claim 2 is objected to because of the following informalities:

In claim 2, order of labels **(e), (f)** are missed.

In line 27, semi-colon is missed at the end of limitation (c).

Appropriate correction is required.

Double Patenting

2.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees.   A nonstatutory
obviousness-type double patenting rejection is appropriate where the conflicting claims
are not identical, but at least one examined application claim is not patentably distinct
from the reference claim(s) because the examined application claim is either anticipated
by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140
F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29
USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.
1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422
F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)
may be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent either is shown to
be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3.   Claim 3 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 23 of copending Application No.10/342610. Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter claimed in the instant application is broadly disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter as follows:

An electro-photographic method comprising: (a) receiving a page description language (PDL) representation of a print job; (b) converting the PDL representation into a print job pixel map; (c) during the converting and responsive to identifying a reusable document component (RDC) hint, searching an RDC repository for a corresponding RDC pixel map, or a reusable underlay (RUL) and either integrating a found corresponding pixel map into the print job, or rasterizing the identified RDC to generate a pixel map, integrating the generated pixel map into the print job, and storing the generated pixel map in the RDC repository, and generating a RUL therefrom; electro-photographically printing the print job pixel map.

Therefore, it would be obvious to one of ordinary skill in the art that these limitations are variations of each other.

This is a _provisional_ obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4.   Claims 4-7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 24-27 of copending application No. 10/342610.

5.   Claim 8 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 14 of copending Application No.10/342610. Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter claimed in the instant application is broadly disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter as follows:

An apparatus for processing documents each represented by a document description encoded in a page description language supportive of reusable data, comprising: (a) a page description language interpreter that receives the document description and parses the document description into reusable document components and which combines said components into composites of reusable components and reusable underlays; (b) an imager, communicating with the interpreter, that creates image representations of received document components; and (c) a reusable document component repository that stores image representations derived from a plurality of processed documents, the reusable document component repository communicating with the interpreter and the imager to supply those ones of the image representations

corresponding to selected document components of the processed documents and to

receive selected image representations created by the imager during the processing of

documents.

This is a <u>provisional</u> obviousness-type double patenting rejection because the

conflicting claims have not in fact been patented.

6.   Claims 9-16 are provisionally rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 15-22 of

copending application No. 10/342610.

7.   Claim 17 is provisionally rejected on the ground of nonstatutory obviousness-type

double patenting as being unpatentable over claim 1 of copending Application

No.10/342610. Although the conflicting claims are not identical, they are not patentably

distinct from each other because the subject matter claimed in the instant application is

broadly disclosed in the referenced copending application and would be covered by any

patent granted on that copending application since the referenced copending

application and the instant application are claiming common subject matter as follows:

A document construction method comprising: (a) receiving a document

description including at least one selected reusable document component and

combining said components into composites of reusable components and reusable

underlays; (b) querying a reusable document component repository containing stored

image representations of reusable document components to locate a selected stored

image representation corresponding to the selected reusable document components;

(c) conditional upon querying, (i) identifying one of the stored image representations as corresponding to the selected reusable document component and retrieving the selected stored image representation corresponding to the selected reusable document component, or, (ii) not identifying one of the stored image representations as corresponding to the selected reusable document component, generating an image representation for the selected reusable document component, and storing the generated image representation in the reusable document component repository; and

(d) converting the document description to a document image representation, the converting including incorporating the selected or generated image representation corresponding to the selected reusable document into the document image representation.

Therefore, it would be obvious to one of ordinary skill in the art that these limitations are variations of each other.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

8.   Claims 18-29 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2-13 of copending application No. 10/342610.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

10.   Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Seseck

et al. (US Publication Number 2003/0086098 A1).

(1) regarding claim 1:

As shown in figures 2-5 Seseck et al. disclose, a method for creating reusable

composite components from interpreted pages of rendered document during dynamic

document construction (paragraph 30, lines 1-7) comprising:

a) obtaining a list of document components from said page and identifying any

non-cached components (paragraph 31, lines 1-5);

b) caching individual reusable document components (RDCs) rendered to their

respective bounding box dimensions (paragraph 31, lines 6-11);

c) permuting said RDCs into composite combinations of RDCs (paragraph 32,

lines 1-9; note that the documents are stored in a print ready file cache);

d) caching each of composite RDC rendered relative to each other in a bounding

box of sufficient size to adequately contain the combination (paragraph 32, lines 1-9);

e) combining RDCs in their relative positions to form composite RULs (paragraph 34, lines 1-13); and

f) caching said composite RULs rendered to full page size (paragraph 34, lines 13-16);

(2) regarding claim 2:

Seseck et al. further disclose a method for rendering pages having a combination of reusable components and non-cached components (paragraph 30, lines 1-7), comprising:

a) assessing said rendered page for the possibility of having an underlay-overlay pair (paragraph 30, lines 7-17);

b) searching a cache of RULs for underlays having the RDCs needed by the page (paragraph 32, lines 1-7);

g) if the correct RUL is not found in cache then generating a composite RUL from the RDCs of said page and caching said RUL rendered to full page size (paragraph 36, lines 3-7);

h) creating a full page size overlay from the non-cached components that is retained until it is mated with the cached RUL (paragraph 36, lines 7-11);

c) if the correct underlay is found in cache then retrieving the RUL; and along with the overlay (paragraph 36, lines 7-11)

d) rendering the page therefrom (paragraph 37, lines 1-10).

(3) regarding claim 3:

Seseck et al. further disclose an electro-photographic method comprising:

a) receiving a page description language (PDL) representation of a print job (paragraph 30, lines 1-5);

b) converting the PDL representation into a print job pixel map (paragraph 30, lines 5-7);

c) during the converting and responsive to identifying a reusable document component (RDC) hint, searching an RDC repository for a corresponding RDC or composite RDC pixel map (paragraph 35, lines 1-4), or a reusable underlay (RUL) and either integrating a found corresponding pixel map into the print job, or rasterizing the identified RDC to generate a pixel map, integrating the generated pixel map into the print job, storing the generated pixel map in the RDC repository, and generating a RUL therefrom (paragraph 37, line 1-10); and

d) electro-photographically printing the print job pixel map (paragraph 39, lines 1-4; note that the printer could be multi-functional printer paragraph 21).

(4) regarding claim 4:

Seseck et al. further disclose the electro-photographic method as in claim 3,
further comprising maintaining a repository index identifying contents of the RDC
repository, wherein the step of searching of the RDC repository for a pixel map includes
searching the repository index (paragraph 36, lines 1-11).

(5) regarding claim 5:

Seseck et al. further disclose the electro-photographic method as in claim 3,
wherein the integrating of a found corresponding pixel map into the print job pixel map
includes: marking the found corresponding pixel map in the RDC repository to prevent
its deletion prior to the integrating of the found corresponding pixel map into the print job
pixel map (paragraph 46, lines 1-13).

(6) regarding claim 6:

Seseck et al. further disclose the electro-photographic method as in claim 3,
wherein the converting of the PDL representation into a print job pixel map includes:
compressing the print job pixel map during the converting; and prior to the optical
drawing, decompressing the compressed print job pixel map (paragraph 37-39, lines 1-
4; note that in paragraph 37, the PDL gets pre-rendered and stored as shown in
paragraph 38).

(7) regarding claim 7:

Seseck et al. further disclose the electro-photographic method as in claim 3, wherein the page description language is one of VIPP and PPML (paragraph 19, lines 12-17).

(8) regarding claim 8:

Sesek et al. further disclose an apparatus for processing documents each represented by a document description encoded in a page description language supportive of reusable data (paragraph 30, lines 1-7), comprising:

a) a page description language interpreter that receives the document description and parses the document description into reusable document components and which combines said components into composites of reusable components and reusable underlays (paragraph 34, lines 7-16);

b) an imager, communicating with the interpreter, that creates image representations of received document components (paragraph 39, lines 1-4); and

c) a reusable document component repository that stores image representations derived from a plurality of processed documents, the reusable document component repository communicating with the interpreter and the imager to supply those ones of the image representations corresponding to selected document components of the processed documents and to receive selected image representations created by the imager during the processing of documents (paragraph 47, lines 1-21);

(9) regarding claim 9:

Sesek et al. further disclose the apparatus for processing documents as in claim 8, further comprising a graphical user interface (GUI) through which an associated user manages the reusable document component repository (paragraph 49, lines 1-10), the managing including selectively adjusting a repository storage size and selectively deleting image representations (paragraph 46, lines 1-7).

(10) regarding claim 10:

Sesek et al. further disclose the apparatus for processing documents as in claim 8, further comprising a compressor that receives and compresses image representations created by the imager (paragraph 49, lines 10-22), and communicates the compressed image representations to the reusable document component repository (paragraph 49, lines 22-27).

(11) regarding claim 11:

Sesek et al. further disclose the apparatus for processing documents as in claim 10, wherein the compressor is integrated into the imager (paragraph 49, lines 14-16; note that the print ready file is part of the printer).

(12) regarding claim 12:

Sesek et al. further disclose the apparatus for processing documents as in claim

8, further comprising a random access memory cache communicating with the

interpreter and the reusable document component repository, the random access

memory storing at least one most recently used image representation retrieved by the

interpreter (paragraph 37, lines 1-10).

(13) regarding claim 13:

Sesek et al. further disclose the apparatus for processing documents as in claim

8, further comprising a repository index that indexes image representations stored in the

reusable document component repository, the repository index communicating with the

interpreter to identify images to be retrieved (paragraph 34, lines 16-24).

(14) regarding claim 14:

Sesek et al. further disclose the apparatus for processing documents as in claim

13, further comprising a ping path between the interpreter and the reusable document

component repository by which the interpreter pings the reusable document component

repository responsive to the repository index indicating that a selected image

representation is contained in the reusable document component repository (paragraph

34-35), the pinging directing the reusable document component repository not to delete

of the selected image representation (paragraph 46, lines 1-14).

(15) regarding claim 15:

Sesek et al. further disclose the apparatus for processing documents as in claim 14, wherein the repository index is integrated into the page description language interpreter (paragraph 37, lines 1-5; note that the repository index is considered as the web browser).

(16) regarding claim 16:

Sesek et al. further disclose the apparatus for processing documents as in claim 8, further comprising a printing station that includes the page description language interpreter (paragraph 64, lines 1-2), the imager (266, figure 5; paragraph 64, line 2), and the reusable document component repository (278, figure 5; paragraph 65, lines 1-d1-6); and an electronic network by which the printing station receives documents for processing (264, figure 5; paragraph 64, lines 4-6).

(17) regarding claim 17:

Sesek et al. further disclose a document construction method comprising:

a) receiving a document description including at least one selected reusable document component and combining said components into composites of reusable components and reusable underlays (paragraph 34, lines 7-16);

b) querying a reusable document component repository containing stored image representations of reusable document components to locate a selected stored image

representation corresponding to the selected reusable document component (paragraph

35, lines 1-9);

> c) conditional upon the querying,

>> (i) identifying one of the stored image representations as corresponding to

the selected reusable document component and retrieving the selected stored

image representation corresponding to the selected reusable document

component (paragraph 36, lines 1-7), or,

>> (ii) not identifying one of the stored image representations as

corresponding to the selected reusable document component, generating an

image representation for the selected reusable document component, and

storing the generated image representation in the reusable document component

repository (paragraph 36, lines 7-11); and

> d) converting the document description to a document image representation, the

converting including incorporating the selected or generated image representation

corresponding to the selected reusable document into the document image

representation (paragraph 37, lines 1-10).

> **(18) regarding claim 18:**

Sesek et al. further disclose the document construction method as in claim 17,

wherein the step of storing the generated image representation in the reusable

document component repository includes associating a life span parameter with the

generated image representation (paragraph 46, lines 1-7); and responsive to an

expiration of the life span parameter, removing the corresponding generated image

representation from the reusable document component repository (paragraph 46, lines

1-13).

(19) regarding claim 19:

Sesek et al. further disclose the document construction method as in claim 18,

wherein the step of associating a life span parameter with the generated rasterized

image includes associating one of a temporal life span and an indication of permanence

with the generated image representation (paragraph 45, lines 10-21).

(20) regarding claim 20:

Sesek et al. further disclose the document construction method as in claim 18,

wherein the life span parameter is such that the generated image representation

remains available in the reusable document component repository for reuse in the

construction of subsequent documents (paragraph 47, lines 1-21).

(21) regarding claim 21:

Sesek et al. further disclose the document construction method as in claim 17,

responsive to a selected user input, further comprising removing the generated image

representation from the reusable document component repository (paragraph 46, lines

1-7).

(22) regarding claim 22:

Sesek et al. further disclose the document construction method as in claim 17,

wherein the querying includes tracking previously generated image representations

(paragraph 35, lines 1-9); and conditional upon the tracking indicating that a previously

generated image representation corresponds to the selected reusable document

component, verifying the previously generated image representation currently resides in

the reusable document component repository (paragraph 53, lines 1-13).

(23) regarding claim 23:

Sesek et al. further disclose the document construction method as in claim 22,

wherein the querying further includes conditional upon a successful verifying, marking

the previously generated image representation to prevent a removing thereof

(paragraph 45, lines 16-21).

(24) regarding claim 24:

Sesek et al. further disclose the document construction method as in claim 17,

wherein the storing of the generated image representation in the reusable document

component repository includes, prior to the storing, compressing the image (paragraph

37, lines 1-10; note that the print data gets ripped before it is cached).

(25) regarding claim 25:

Sesek et al. further disclose the document construction method as in claim 17,

further comprising storing at least a portion of the reusable document component

repository in a random access memory (RAM) cache (280, 288, figure 5; paragraph 65,

lines 1-6).

(26) regarding claim 26:

Sesek et al. further disclose the document construction method as in claim 17,

further comprising storing the reusable document component repository on a permanent

storage device; and storing most recently accessed image representations in a random

access memory (RAM) cache (paragraph 65, lines 1-17).

(27) regarding claim 27:

Sesek et al. further disclose the document construction method as in claim 17,

further comprising identifying the selected reusable document component as reusable

by detecting a reusable document component hint associated with the reusable

document component (paragraph 52, lines1-8).

(28) regarding claim 28:

Sesek et al. further disclose the document construction method as in claim 27,

wherein the document description is encoded in a Variable data Intelligent Postscript

Printware language (VIPP) (paragraph 30, lines 1-7).

(29) regarding claim 29:

The document construction method as in claim 27, wherein the document

description is encoded in a Personalized Print Markup Language (PPML) (paragraph

19, lines 12-17).

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Brown et al. (US Publication Number 2004/0216048 A1) discloses a method and

computer product for document management and publication using reusable packages

and components.

Simchik et al. (US Patent Number 7,233,407 B1) discloses a system and method

for converting a page from a network into an image file suitable for assembly of or

insertion into a document generated by a document creation algorithm.

12.   Any inquiry concerning this communication or earlier communication from the

examiner should be directed to Hilina Kassa whose telephone number is (571) 270-

1676.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Twyler Lamb could be reached at (571) 272- 7406.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks
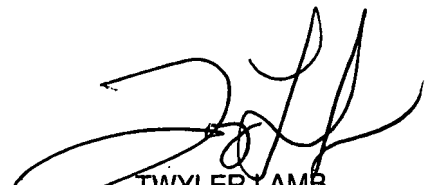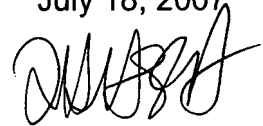
Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Technology Center 2600 Customer Service Office

whose telephone number is (703) 306-0377.

Hilina Kassa

July 18, 2007

TWYLER LAMB
SUPERVISORY PATENT EXAMINER